

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.474, the Environmental Protection Commission amends Chapter 135, “Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks,” Iowa Administrative Code.

The General Assembly enacted legislation in 2010 Iowa Acts, House File 2531, sections 169 to 174, that made changes in review procedures and acceptance of reports from certified groundwater professionals on investigation and cleanup of petroleum contamination from underground storage tanks. A groundwater professional’s site investigation, classification, and corrective action design reports must be accepted unless, within 90 days of receipt, the Department identifies material information in the reports that is inaccurate or incomplete. From July 1, 2010, through June 30, 2011, the Department has 120 days rather than 90 days to review and comment on the reports.

The amendments revise existing rules to include the changes in review procedures and acceptance of reports from certified groundwater professionals on investigation and cleanup of petroleum contamination from underground storage tanks.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on October 20, 2010, as **ARC 9152B**. No comments were received from the general public during the comment period. The U.S. Environmental Protection Agency did submit comments concerning language in 2010 Iowa Acts, House File 2531, that was not acted upon in this rule making. EPA determined that the language pertaining to release from liability was too narrow and inconsistent with, and less stringent than, federal regulations. This part of the legislation was left out of the rule making to allow the next General Assembly to revisit the law. These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement 2009 Iowa Code Supplement section 455B.474 as amended by 2010 Iowa Acts, House File 2531, sections 169 to 174.

These amendments shall become effective February 16, 2011.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [135.9(11), 135.10(11), 135.12] is being omitted. These amendments are identical to those published under Notice as **ARC 9152B**, IAB 10/20/10.

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[For replacement pages for IAC, see IAC Supplement 1/12/11.]